



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 4, 2011

Mike Mudaris, Principal
Mike Palm Club, LLC

Privacy Act

Re: Request for Information Pursuant to CERCLA Section 104(e);
Jervis B. Webb Co. Superfund Site

Dear Mr. Mudaris:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances at the Jervis B. Webb Co. Superfund Site ("Site"), which is located at 9301 Rayo Avenue and 5030 Firestone Blvd. in South Gate, California. A Superfund site is a site contaminated with hazardous substances at levels that may present a threat to human health or the environment. EPA believes that you may have information that may assist EPA in its investigation. EPA needs the information and documents responsive to this request to proceed with this Superfund Site investigation. We appreciate your cooperation with this request.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601-9675, as amended ("CERCLA" or "Superfund"), authorizes EPA to investigate and, if necessary, take action to protect human health and the environment at locations where there has been a release or threat of a release of a hazardous substance to the environment. Section 104(e) of CERCLA authorizes EPA to require persons with information related to hazardous substances releases to provide such information.

EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or Property or transported to a vessel or Property.
- The nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a vessel or Property.
- The ability of a person to pay for or perform a cleanup.

We encourage you to give this request for information your immediate attention. Instructions on how to respond to the questions are provided in Enclosure A. Your response to this letter should be made in writing, signed by you or your duly authorized representative, and returned to EPA within thirty (30) calendar days of your receipt of this letter. You may provide your response and attachments electronically in Adobe Portable Document Format (PDF) and deliver them to EPA by CDROM or through E-Mail, but you must mail a signed hardcopy of the letter portion with your responses to the EPA.

Your compliance with this request is mandatory. Pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e), you must respond completely and truthfully to all questions contained in Enclosure B to this letter. Please be further advised that 18 U.S.C. §1001 provides for criminal penalties for the provision of false, fictitious or fraudulent statements or representations. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. Section 9604(e)(5). The CERCLA statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance.

EPA understands that you may consider some of the requested information confidential. You may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including providing support for your claim of confidentiality.

If you have information about other persons who may have information which could assist the Agency in its investigation, that information should be submitted within the timeframe noted above.

Please note that this request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Your response to this request for information should be mailed within thirty (30) calendar days following receipt of this letter to:

Carl Brickner
Case Developer, Mail Stop SFD-7-5
United States Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105
Email: Brickner.Carl@epa.gov

If you have questions regarding this Information Request, please contact Carl Brickner at (415) 972-3814, or by email at Brickner.Carl@epa.gov. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities,

please contact Eric Yunker at (415) 972-3159, or by email at Yunker.Eric@epa.gov. Please direct any legal questions to Jim Collins at (415) 972-3894 or by email at Collins.Jim@epa.gov.

We appreciate your response to this information request, and look forward to cooperatively working with you on these matters.

Sincerely,

A handwritten signature in cursive script that reads "Kathi Moore". The signature is written in black ink and is positioned above the printed name and title.

Kathi Moore, Manager
Case Development/Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2)

cc. David Seror
Trustee for the Mike Palm Club, LLC bankruptcy

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Electronic Formats. Documents supporting your responses may be provided electronically in Adobe Portable Document Format (PDF), or preferably, searchable PDF (e.g., Optical Character Recognition (OCR)(PDF). If you choose to submit documents supporting your responses electronically, you must still provide a signed hardcopy of your response to each question.
3. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
4. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
5. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
6. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
7. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
8. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested,

pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

10. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

- Department of Toxic Substances Control/California
- Regional Water Quality Control Board/California
- Toeroek Associates, Inc.
EPA Contract Number BPA EP-BPA-11-W-001
- Science Applications International Corporation
EPA Contract Number BPA EP-BPA-11-W-001
- CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04
- GRB Environmental Services Inc.
Contract Number EPR90603
- ITSI, Inc.
EPA RAC Contract Number EP-S9-08-03
- Techlaw
EPA ROC Contract Number EP-W07-066

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

11. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term **“you”** or **“Respondent”** should be interpreted to include the addressee of this Information Request (Mike Palm Club, LLC), the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents. The term **“your”** shall mean the possessive form of **“you”** so-defined.
2. The term **“person”** shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term **“document”** includes any written, drawn, typed, recorded, computer-generated, or photographically reproduced material of any kind in any medium in your possession, custody or control, otherwise available to you or known by you to exist; including originals, all drafts, final, and all non-identical copies. Examples of documents include but are not limited to letters; written notes; reports; photos; emails; facsimile transmissions; microfiche, correspondence; marketing documents, reports and data; documentation of internal inventories; purchases, purchase requisitions, and purchase orders; documentation of bills and accounting; invoices and other transaction records; purchase requisitions; shipment documentation and manifests; diagrams, charts, maps, and figures; retained correspondence; property title and deeds; leases and contracts; articles of incorporation; local, state or federal permits to operate, or to store, generate, transport, or dispose of hazardous substances, chemical raw materials and chemical intermediates, chemical products, mixtures; process chemicals; and chemical wastes; and any other documents responsive to the request.
4. The term **“waste”** or **“wastes”** shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
5. The term **“hazardous waste”** shall have the same definition as that contained in Section 1004(5) of RCRA.
6. The term **“hazardous substance”** shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
7. The term **“release”** has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
8. The term **“pollutant or contaminant”** shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.

9. The term “**materials**” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
10. The term “**Site**” shall mean the property located at 9301 Rayo Avenue and 5030 Firestone Blvd. in South Gate, California.
11. The term “**Company**” shall include any business entity formed of one or more individuals to conduct business in the state of California or any other state, and shall include and not be limited to corporations, partnerships, sole proprietorships, limited liability companies and any other business entity.
12. The term “**facility**” shall mean BOTH properties located at 9301 Rayo Avenue, South Gate, CA and 5030 Firestone Blvd., South Gate, CA.
13. **Undefined Terms.** All terms not defined herein shall have their ordinary meaning unless such terms are defined in CERCLA, 42 U.S.C. §§ 9601 et seq., in which case the statutory definitions shall apply.

ENCLOSURE B: QUESTIONS

1. State the full name, address, telephone number, positions(s) held by and tenure of the individual(s) answering any of these questions on behalf of Mike Palm Club, LLC concerning the Property located at 5030 Firestone Blvd., South Gate, CA (the "Property").
2. Provide a copy of all deeds, purchase agreements and any other documents evidencing your ownership of the Property. As part of your response, identify the dates you owned the Property.
3. Did you ever sell or otherwise transfer the Property to another individual or entity? If so, provide all documents evidencing any and all such sales or other transfers of the Property.
4. During your ownership of the Property, did you rent or lease the property to another individual or entity? If so, provide: a) the name of each individual or entity to whom the Property was leased or rented; b) the respective dates the individual or entity rented or leased the parcel; c) a copy of the lease(s), rental agreement(s) or any other document(s) governing each leasehold relationship; and d) copies of all environmental documents related to the operations of all individuals or entities you identify in response to this Question.
5. Provide all documents relating to any communication between you and any officer or representative of Jervis B. Webb Company of California, a California corporation and/or Jervis B. Webb Company, a Michigan corporation concerning the Property.
6. Identify all prior owners of the Property from 1940 to the date you acquired the Property, and provide the dates each owner owned the Property. Provide copies of all deeds, ownership records and any other documents evidencing each such owner's interest in the Property.
7. Did Mike Palm Club, LLC ever operate or conduct any business at the Property? If so, provide documentation evidencing: a) the nature of such operations or business at the Property; and b) the period of such operations or business identified.
8. Describe the environmental condition of the Property at the time Mike Palm Club, LLC first took possession of it. As part of your response, describe any known or suspected contamination and/or hazardous substances, or any evidence suggesting the possible presence of contamination and/or hazardous substances that may have been present at the Property at the time Mike Palm Club, LLC first took possession of it.
9. Describe any agreement, whether written or verbal, to which you were a party concerning the environmental conditions, cleanup or remediation of the Property. As part of your response, describe each part of the agreement not in writing; provide the name, address and telephone number of each person agreeing to that provision; and provide the date that part of the agreement was made. Provide any documents evidencing such an agreement.

10. At any time during Mike Palm Club, LLC's possession or control of the Property, did it become aware of any contamination on, or environmental impairment of the Property? As part of your response, provide copies of any and all documents (e.g., Phase I or other due diligence report) in Mike Palm Club, LLC's possession or control pertaining to known or suspected contamination and/or environmental impairment including, but not limited to, documents concerning releases of any hazardous substances that may have occurred at the Property during Mike Palm Club, LLC's ownership of the Property.
11. Provide copies of all information and documentation related to approval of any remediation activities conducted during Mike Palm Club, LLC's ownership of the Property.



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Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

October 6, 2011

Dear Customer:

The following is the proof-of-delivery for tracking number **797589696025**.

Delivery Information:

Status:	Delivered	Delivered to:	Residence
Signed for by:	A.MUDARIS	Delivery location:	Privacy Act
Service type:	Standard Envelope	Delivery date:	Oct 5, 2011 14:35



Shipping Information:

Tracking number:	797589696025	Ship date:	Oct 4, 2011
		Weight:	0.5 lbs/0.2 kg

Recipient:

Mike Mudaris, Principal
Mike Palm Club, LLC

Privacy Act

Privacy Act

Reference**Shipper:**

Twohy Murray
Toeroek Associates, Inc.
1300 Clay St.
Suite 450
Oakland, CA 94612 US
9061-006

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